

Subpart 154-2

Divisible Load Overweight Permits

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Historical Note

Subpart (Sections 154-2.0-154-2.21) filed December 31, 1985 as emergency measure; made permanent by order filed January 15, 1986 effective February 5, 1986.

§154-2.0 *Applicability.*

This Subpart shall apply to divisible load over weight permits.

Historical Note

Section filed December 31, 1985 as emergency measure; made permanent by order filed January 15, 1986 effective February 5, 1986.

§154-2.1 Purpose.

(a) This rule arises out of a legislative mandate to initiate, promulgate and monitor a permit system that regulates the use of highways and bridges on the State highway system (outside of New York City), by vehicles carrying weights in excess of that statutorily allowed. Section 385, subdivision 15 of the Vehicle and Traffic Law is the controlling statute.

(b) To prescribe requirements for administering the program of divisible load overweight permits for state highways.

(c) To establish guidelines which take into consideration the safety of the traveling public and the protection of the highways and the environment in connection with the issuance of divisible load overweight permits.

(d) To establish a schedule of fees for obtaining divisible load overweight permits.

(e) *Incorporation by reference.* The provisions of the *Code of Federal Regulations* which have been incorporated in this Subpart have been filed in the Office of the Secretary of State of the state of New York, the publications so filed being the booklets entitled: Code of Federal Regulations, title 49, parts 100 to 177, revised as of October 1990, published by the Office of the Federal Register, National Archives and Records Administrations as a special editor of the *Federal Register*. The regulations incorporated by reference may be examined at the office of the Department of State, 162 Washington Avenue, Albany, New York 12231, at the Libraries of the New York Supreme Court, the Legislative Library, the New York State Department of Transportation, Office of Counsel, or Traffic and Safety Division, State Office Campus, Building 5, Albany, New York 12232. They may also be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the *Code of Federal Regulations* are also available at many public libraries and bar association libraries.

Historical Note

Section filed December 31, 1985 as emergency measure; January 15, 1986; amendment filed August 16, 1991 effective September 4, 1991. Added (e).

§154-2.2 Definitions.

As used in this Part, unless the context requires otherwise, the following words and terms are defined:

(a) *Advisory Council* shall mean the State Motor Carrier Advisory Council established by section 385 of the Vehicle and Traffic Law.

(b) *Agricultural vehicle* shall mean any motor vehicle used and owned by a person engaged in food production by means of the planting, cultivation and harvesting of agricultural, vegetable and food products of the soil, for the sole purpose of transporting such product.

(c) *Annual vehicle fee* shall mean the charge assessed for each divisible load overweight permit. This fee covers a 12-month period except for agricultural permits, which cover a four-month period. The annual vehicle fee will not be prorated for shorter periods.

(d) *Axle* shall mean a pin or shaft having carrying capacity upon which wheels or pairs of wheels revolve. A pin or shaft has carrying capacity when its function is to support or sustain a reasonable proportion of the laden weight of the vehicle.

(e) *Banked weight capacity* shall mean the New York State highest permitted weight of a vehicle prior to January 1, 1888. The vehicle must have been operational at some time on public highways during the immediate three-year period prior to January 1, 1986 in order to be part of the banked weight system.

(f) *Categories of permits* shall mean the assignment of a nomenclature by the department of either F1, F2, F3, F4, F5, or F6 to differentiate the categories of permits as specified in section 385(15)(f) of the Vehicle and Traffic Law.

(g) *Commissioner* shall mean the Commissioner of the New York State Department of Transportation.

(h) *Department* shall mean the New York State Department of Transportation.

(i) *Federal bridge formula*. The weight produced by the following Federal bridge formula:

$$W = 500((L \times N) / (N - 1) + (12 \times N) + 36)$$

Where W equals overall gross weight on any group of two or more consecutive axles to the nearest 500 pounds, L equals distance in feet from the center of the foremost axle to the center of the rearmost axle of any group of two or more consecutive axles, and N equals number of axles in group under consideration. (*Note: Two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each provided the overall distance between the first and last axles of the consecutive sets of tandem axles is 36 feet or more.*)

(j) *Grouping of axles* shall mean two or more consecutive axles utilized in connection with the Federal bridge formula.

(k) *Highway for which a permit is valid* shall mean any public way open to use for the purpose of vehicular truck traffic over which the commissioner has jurisdiction (excluding those State highways within New York City). In addition a sanivan permit is valid on any public way open to use for the purpose of vehicular traffic.

(l) *Leased vehicle*. A vehicle owned by a person engaged in the business of renting or leasing vehicles, which is rented or leased without a driver to a person other than the owner, and registered in the name of the lessee or renter.

(m) *Legal weight* shall mean the maximum weight limits for which vehicle or combination of vehicles is authorized by section 385 of the Vehicle and Traffic Law, as well as any increase in such limits specified in a permit issued pursuant to this Subpart.

(n) *Manufacturer recommended axle and gross weight* shall mean the rating specified by the manufacturer as the maximum loaded weight of an individual axle or a grouping of axles of a single vehicle or combination of vehicles. A vehicle can be certified at a higher or lower recommended weight rating by the original manufacturer, retrofitter or assembler, provided such are qualified to make such certifications. Such rating will be utilized only in connection with replacement vehicles.

(o) *Maximum gross vehicle weight* is the maximum gross weight for which a divisible load overweight permit may be issued. If no permit is issued or issuable, then section 385 of the Vehicle and Traffic Law shall apply.

(p) *Maximum load which could have been carried on the replaced vehicle* shall mean the legal weight of the vehicle or combination of vehicles less the unladen weight of the vehicle or combination of vehicles.

(q) *Maximum gross weight for which a divisible load overweight permit may be issued* shall mean:

(1) For F1 permits: for a vehicle having at least three axles and a wheelbase of not less than 16 feet, or for a combination of vehicles with a trailer not exceeding 48 feet, apply the lesser of:

(i) 102,000 pounds;

(ii) The manufacturer's rating; or

(iii) 42,500 pounds plus 1,250 pounds per linear foot of wheelbase, provided however a total additional 1,875 pounds may be added to the gross weight of the weight computed under this formula for any additional axles in excess of three on a single unit vehicle up to 24 feet in wheelbase, or any additional axles in excess of five on a combination of vehicles with a minimum wheelbase in excess of 36 feet.

(2) For F2, F4, F5, and F6 permits, see section 154-2.4 of this Subpart.

(3) For F3 permits: for a vehicle having two axles and a wheelbase of at least 10 feet, the maximum gross vehicle weight shall not exceed 50,400 pounds between January 1, 1994 and December 31, 1994, and 49,400 pounds after December 31, 1994.

(r) *Maximum trailer length*. For the purpose of this Subpart, the trailer length shall be measured from the foremost point of the trailer body to the rearmost point of the trailer body. The distance computation will not include the measurement of the tractor or chassis cab (power unit). The department may not issue a permit for vehicles which are not in compliance with legal width and length requirements.

(s) *Measurement of number of axles*. At least one wheel on each side of the axle must be in contact with the pavement when the vehicle is loaded in order for the axle to be counted. (Note: To determine the overall tire width in the case of multiple tires or multiple wheels,

the sum of the widths of all the tires, which are in contact with the pavement when the vehicle is loaded, on a wheel or combination of wheels shall be taken into consideration.)

(t) *Most restrictive weight* shall mean the lesser of the maximum gross vehicle weight or the maximum axle weight as prescribed in subsections (8), (9), and 10 of section 385 of the Vehicle and Traffic Law.

(u) *Nondivisible load* shall mean one piece or item which cannot be separated into units of less weight without affecting the physical integrity of the load. A nondivisible load is not a fungible load. Fungible loads consist of articles which are not distinguishable by a description referring to the particular item, but rather are distinguishable by the ascertainment of weight and measure. The constituent parts which make up nondivisible loads are distinguishable from each other by physical differences in size, shape, texture, and/or quality. Examples of nondivisible loads may include, but are not limited to single poles, girders, columns, wood or metal trusses, buildings, houses, and determinations made pursuant to subparagraph (e) of subdivision 15 of section 385 of the Vehicle and Traffic Law. By statute, a nondivisible load includes bulk milk, coiled steel, and sealed shipping containers.

(v) *Owner* shall mean a person, other than a lien holder, having the property in or title to a vehicle. This term includes a person entitled to the use and possession of the vehicle subject to a security interest in another person, and also includes any lessee or bailee, of a motor vehicle having the exclusive use thereof, under a lease or otherwise, for a period greater than 30 days.

(w) *Permittee* shall mean a municipality, public utility company, private company, corporation, partnership, association, or the individual in whose name the permit is issued.

(x) *Power unit* shall mean any self-propelled vehicle properly registered and legally entitled to be on State highways or one to draw another vehicle along such a highway.

(y) *Registered in this State prior to January 1, 1986* shall mean a vehicle registered pursuant to Article 14 of the Vehicle and Traffic Law in New York at sometime prior to January 1, 1986. Registration is required. Registered weight shall be the highest registered weight at which the vehicle was registered in New York prior to April 1, 1987, except as provided in section 154-2.3(b) of this Subpart. For vehicles owned and operated by municipalities or for F1 and F2 permits, the registered weight shall be the weight at which the vehicle is registered in New York State at the time of the permit application. For the purpose of determining grandfather rights of a trailer, it shall be presumed that the trailer has the same registration rights as the power unit to which it is to be attached.

(z) *Replacement vehicle* shall mean a vehicle of like type, characteristic and function as the vehicle being replaced. It must be demonstrated that the replaced vehicle was registered in New York State at some time prior to January 1, 1986, and was operational on public highways at some time during the three-year period prior to January 1, 1986, except for F1 and F2 permits. A replacement vehicle may have greater or fewer axles than the vehicle replaced. A replacement vehicle may be a combination of vehicles even if the replaced

vehicle is a single vehicle. A replacement vehicle may be a single vehicle even if the replaced vehicle is a combination of vehicles. However, in no event shall a permit be issued to a replacement vehicle whose registered vehicle weight exceeds the highest registered weight of the replaced vehicle, based solely on the replaced vehicle's prior New York State registered weights, except for F1 and F2 permits. It must be demonstrated on the certificate of grandfather rights that the replacement rights have been transferred to the replacement vehicle.

(aa) *Restricted permit* shall mean a vehicle whose gross and/or weight exceeds the limits prescribed on an F1, F3, F4, or F5 permit and is identified on the permit as a restricted (R) permit. This type of permit is not allowed to cross any structure or highway which is "R" rated. Permits affected are Types 6, 6A, and 7.

(ab) *Routing limitations*. Permittee is subject to all posted temporary or permanent highway or bridge restrictions, and any bridge restrictions set forth in the permit. Highway limitations preempt the permit authorization.

(ac) *Sanivan* shall mean any motor vehicle which is so designed that it contains a rear compaction unit and is intended for use in the collection of refuse.

(ad) *Total tandem axle weight* shall mean the total weight supported by two axles whose spacing between their centers (hubs) is less than eight feet (96 inches) but greater than or equal to 46 inches with measurements rounded to the nearest inch.

(ae) *Total tridem axle weight* shall mean the total weight supported by three axles whose spacing between center of each consecutive axle is not less than 46 inches nor more than eight feet (96 inches) with the distance between the first and third axle not spaced more than 11 feet, 10 inches.

(af) *Total-quad axle weight* shall mean the total weight supported by four axles whose spacing between centers of consecutive axles is not less than 46 inches nor more than eight feet (96 inches) with the distance between the first and fourth axle not spaced more than 14 feet (168 inches).

(ag) *Trailer* shall mean any vehicle capable of carrying a load with a minimum gross vehicle weight rating of 30,000 pounds.

(ah) *Type of permit* shall be as provided in the Subpart.

(ai) *Vehicle designed and constructed to carry loads that are divisible loads* shall mean a vehicle whose contents are not one piece or item nor determined to be one piece or item pursuant to subparagraph (e) of subdivision 15 of section 385 of the Vehicle and Traffic Law (See also Subpart 154-1 of this Part).

(aj) *Wheelbase* shall mean the measurement from the center of the foremost axle to the center of the rearmost axle of the vehicle or combination of vehicles, measured to the nearest inch. (Note: Measurement of six inches or greater is rounded up to the nearest

foot, except for F3 and F4 type 3 permits, for purposes of determining the class of permit eligibility.)

(ak) *Renewal* shall mean a reissue or extension of an existing permit with no changes, except for effective dates.

(al) *Lottery* shall mean a random drawing held of all new vehicle permit applications for F1 and F2 category permits. This drawing will be held on a monthly basis when permits are available.

Historical Note

Section filed December 31, 1985; amendments filed: December 5, 1986; January 25, 1988; November 27, 1990; August 16, 1991; November 25, 1991; repealed, new filed February 8, 1994 effective February 23, 1994.

§154-2.3 General criteria.

(a) For a vehicle to be eligible for a F3, F4, F5, or F6 permit, such vehicle must have previously been permitted under this Subpart prior to January 1, 1988, or is a replacement vehicle. For F4, F5, and F6 permits, additional vehicles may be permitted based upon excess banked weight, as provided by this Subpart.

(b) F1 and F2 permits may be issued if for a vehicle registered in New York with a current F1 permit, or, for a vehicle which is eligible under subdivision (f) of this Section.

(c) *Replacement vehicles.* The highest gross weight for which a replacement vehicle or combination of vehicles may be issued a permit shall be the lower of the manufacturer recommended gross weight of the replacement vehicle or the legal weight of the vehicle being replaced. For vehicles owned and operated by municipalities and for F1 and F2 permits, the highest registration weight of the replaced vehicle shall be the registered weight of the vehicle in New York State at the time the first permit application was made.

(d) A permit for vehicles other than replacement vehicles will be issued taking into consideration the following factors: axle weight rating of each axle of the vehicle, maximum vehicle gross weight and/or axles(s) weight(s), wheelbase, axle distance, number of axles, maximum trailer length, tire size, number of tires per axle, and safety criteria as set forth in this Part.

(e) For replacement vehicles or combination of vehicles, the following factors are taken into account; manufacturer-recommended or certified gross weight rating of the vehicle or combination of vehicles, and/or axle weight rating of each axle of the vehicle, maximum vehicle gross weight and/or axles(s) weight(s), wheelbase, axle distance, number of axles, maximum trailer length, tire size, number of tires per axle, and safety criteria as set forth in this Part.

(f) The total number of overweight divisible load permits issued by the department is prescribed in section 385(15)(f) of the Vehicle and Traffic Law, which provision authorizes

the issuance of additional overweight divisible load permits effective January 1, 1994. These additional permits are to be issued on a lottery basis. The following provisions are applicable to additional permits to be so issued:

- (1) vehicles to be issued permits must be registered in New York, and must maintain such registration for the period of the permit;
- (2) the highest permit weight will be based on subdivision (d) of this section and section 154-2.4(a)(1) and (2) of this Subpart;
- (3) applicant must submit a completed lottery overweight divisible load permit application (PERM 92), a check for the appropriate permit fee payable to the New York State Department of Transportation, a copy of current registration and manufacturers incomplete vehicle data sheet showing vehicle identification number (VIN), a gross vehicle weight rating and axle weight rating (a legible photograph of the vehicle door data plate may be substituted for the manufacturers rating showing the above information). If selected, the applicant will be required to supply a certificate of insurance (PERM 17) before permit is issued; and
- (4) vehicle permit issuance will be by lottery when permits become available.

Historical Note

Section filed December 31, 1985; amendments, filed: December 5, 1986; January 25, 1988; November 27, 1990; repealed, new filed February 8, 1994 effective February 23, 1994.

§154-2.4 Vehicle criteria.

The following criteria apply for the issuance of divisible load overweight permits:

(a) *F1 Type 1 (three and four axles) and 1A (five or more axles) permits.* On all state highways, other than state highways in New York City, a permit may be issued for the operation of a vehicle, or combination of vehicles, which have at least three axles and whose wheelbase is not less than 16 feet. If the combination of vehicles consists of a power unit and a trailer(s), the length of any trailer cannot exceed 48 feet. The maximum gross weight of the vehicle shall not exceed the lesser of: 102,000 pounds; the manufacturer's rating; or 42,500 pounds, plus 1,250 pounds per linear foot of wheelbase, provided however or total additional 1,875 pounds may be added to the gross weight of the weight computed under this formula for any additional axles in excess of three on a single unit vehicle up to 24 feet in wheelbase, or any additional axles in excess of five on a combination of vehicles with a minimum wheelbase in excess of 36 feet. Maximum axle and grouping weights shall not exceed the following:

- (1) the steering axle 22,400 pounds;
- (2) any other single axle 25,000 pounds;
- (3) any tandem-axle group 47,000 pounds;

- (4) any tridem-axle group 57,000 pounds;
- (5) any quad-axle group 62,000 pounds; and
- (6) any other group weight the gross weight formula as provided by this section.

(b) *F2 Type 7.* On all state highways, other than state highways in New York City, a permit may be issued for the operation of a vehicle, or combination of vehicles, which has at least six axles and whose wheelbase is not less than 36.5 feet. If the combination of vehicles consists of a power unit and a trailer(s), the length of any trailer cannot exceed 48 feet. The maximum gross weight of the vehicle shall not exceed 107,000 pounds, and it is subject to bridge restrictions. The maximum axle and grouping weights shall not exceed the following:

- (1) the steering axle 22,400 pounds;
- (2) any other single axle 25,000 pounds;
- (3) any tandem-axle group 48,000 pounds;
- (4) any tridem-axle group 58,000 pounds; and
- (5) any quad-axle group 63,000 pounds.

(c) *F3 Type 8.* On all State highways, a renewal permit may be issued for a vehicle having two axles and a wheelbase not less than 10 feet with the following limitations:

(1) For the permit period between January 1, 1994 to December 31, 1994, the maximum gross weight shall not exceed 50,400 pounds, with a 22,400 pound maximum for the steering axle, and a 28,000 maximum for the rear axle.

(2) After December 31, 1994, the maximum gross weight shall not exceed 49,400 pounds, with a 22,400 pound maximum for the steering axle and a 27,000 pound maximum for the rear axle.

(d) *F4 Type 2 (three and four axle) and 2A (five or more axles).* On State highways in the counties of Westchester, Rockland, Nassau, Suffolk, Putnam, Orange, and Dutchess, a permit may be issued for a vehicle, or combination of vehicles, which have a minimum of three axles and a wheelbase which does not exceed 34 feet, but is a minimum of 17 feet. If the combination of vehicles consists of a power unit and a trailer(s), the wheelbase cannot exceed 44 feet, and the length of any trailer cannot exceed 40 feet.

(1) For the permit period between January 1, 1994 to December 31, 1994, maximum gross weight shall not exceed 82,000 pounds, steering axle shall not exceed 22,400 pounds; any other single axle shall not exceed 31,000 pounds; any tandem axle group shall not exceed 62,000 pounds; any tridem axle group shall not exceed 64,000 pounds; any quad axle group shall not exceed 66,000 pounds.

(2) After, January 1, 1995, maximum gross weight shall not exceed 79,000 pounds; the steering axle shall not exceed 22,400 pounds; any other single axle shall not exceed 29,500 pounds; any tandem axle group shall not exceed 59,000 pounds; any tridem axle group shall not exceed 64,000 pounds; a quad axle group shall not exceed 66,000 pounds.

(e) *F4 Type 3.* On State highways in the counties of Westchester, Rockland, Nassau, Suffolk, Putnam, Orange and Dutchess, a permit may be issued for the operation of a vehicle which has a minimum of three axles and a wheelbase between 15 and 17 feet. (Note: This permit will not be issued after December 31, 1994.) The maximum gross weight shall not exceed 73,280 pounds, the total tandem axle weight shall not exceed 54,000 pounds, the steering axle shall not exceed 22,400 pounds and any other single axle shall not exceed 27,000 pounds.

(f) *F5 Type 4.* On State highways in the counties of Westchester, Rockland, Nassau, Suffolk, Putnam, Orange and Dutchess, a permit may be issued for the operation of a vehicle, or combination of vehicles, which has a minimum of five axles and a wheelbase of at least 30 feet. If the combination of vehicles consists of a power unit and a trailer(s), the length of any trailer cannot exceed 48 feet. The maximum gross weight shall not exceed 93,000 pounds, the total tandem axle weight shall not exceed 45,000 pounds, the total tridem axle group weight shall not exceed 57,000 pounds, the total quad axle group shall not exceed 62,000 pounds, the steering axle shall not exceed 22,400 pounds and any other single axle shall not exceed 22,500 pounds.

(g) *F5 Type 5.* On State highways in the counties of Westchester, Rockland, Nassau, Suffolk, Putnam, Orange and Dutchess, a permit may be issued for the operation of a vehicle, or combination of vehicles, which have a minimum of five axles and a wheelbase of at least 36.5 feet. (Note: This permit will only be issued to vehicles which have been issued an F5 Type 5 permit within a four-year period prior to application. An F5 Type 5 permit will expire on December 31, 1999.) If the combination of vehicles consists of a power unit and a trailer(s), the length of any trailer cannot exceed 48 feet. The maximum gross weight shall not exceed 105,000 pounds, the total tandem axle weight shall not exceed 51,000 pounds, the total tridem-axle group weight shall not exceed 57,000 pounds, the total quad axle group shall not exceed 62,000 pound, the steering axle shall not exceed 22,400 pounds and any other single axle shall not exceed 25, 500 pounds.

(h) *F6 Type 6.* On State highways in the counties of Westchester, Rockland, Nassau, Suffolk Putnam, Orange, and Dutchess, a permit may be issued for the operation of a vehicle, or combination of vehicles, which have a minimum of five axles and a wheelbase of at least 36.5 feet. (Note: This permit will only be issued to vehicles which have been issued an F6 Type 6 permit within the four years prior to application. All F6 Type permits will expire on December 31, 1999.) If the combination of vehicles consists of a power unit and a trailer(s), the length of any trailer cannot exceed 48 feet.

(1) For the permit period January 1, 1994 to December 31, 1994: the maximum gross weight shall not exceed 120,000 pounds; the steering axle shall not exceed 22,400 pounds; any other single axle shall not exceed 34,500 pounds; any tandem axle group shall not exceed 69,000 pounds; any tridem axle group shall not exceed 69,000 pounds; any quad axle group shall not exceed 69,000 pounds.

(2) For the period January 1, 1995 to December 31, 1999: the maximum gross weight shall not exceed 120,000 pounds; the steering axle shall not exceed 22,400 pounds; any other single axle shall not exceed 25,700 pounds; any tandem axle group shall not exceed 50,000 pounds; any tridem axle group shall not exceed 67,000 pounds; any quad axle group shall not exceed 69,000 pounds.

(i) F6 Type 6A. On State highways in the counties of Westchester, Rockland Nassau, Suffolk, Putnam, Orange and Dutchess, a permit may be issued for the operation of a vehicle, or combination of vehicles, which have a minimum of six axles and a wheelbase of at least 36.5 feet. If the combination of vehicles consists of a power unit and a trailer(s), the length of any trailer cannot exceed 48 feet.

(1) For the period January 1, 1994 to December 31, 1994: the maximum gross weight shall not exceed 120,000 pounds, the steering axle shall not exceed 22,400 pounds; any other single axle shall not exceed 25,750 pounds; any tandem axle group shall not exceed 50,000 pounds; any tridem axle group shall not exceed 69,000 pounds; any quad axle group shall not exceed 69,000 pounds.

(2) After December 31, 1994: the maximum gross weight shall not exceed 120,000 pounds; the steering axle shall not exceed 22,400 pounds; any other single axle shall not exceed 25,700 pounds; any tandem axle group shall not exceed 50,000 pounds; any tridem axle group shall not exceed 67,000 pounds; any quad axle group shall not exceed 69,000 pounds.

Historical Note

Section filed December 31, 1985; amendments filed: December 5, 1986; January 25, 1988; November 27, 1990; August 16, 1991; November 25, 1991; repealed, new filed February 8, 1994 effective February 23, 1994.

§154-2.5 Routing restrictions.

(a) To assist F6 Type 6 and 6A, and F2 Type 7 permittees in routing, the department will provide a list of bridges not traversable. However, it is the responsibility of the permittee not to use any "R" restricted bridge which may be on the route the vehicle is traveling, respective of whether the bridge is on the list provided by the department. The section of State highway upon which a listed bridge is located will not be traversable between the two nearest intersecting State highways which encompass that section of highway. However, specific authorization for the use of a portion of any such excluded State highway may be considered by the Department of Transportation.

(b) If the excluded section of State highway is necessary for obtaining the permittee's destination, then on the permit application, the permittee must state the anticipated route for which the authorization is sought. This anticipated route, shall include, but is not limited to, any detour route, when such detour is necessary, around the bridge which is not traversable. Reasonable allowance for a deviation on State highways from the anticipated route is permitted, if the deviation is required to continue the necessary

operation of that vehicle or to obtain that vehicle's destination. Reasonable deviation shall not exceed 1,500 feet from the anticipated routing.

(c) *Local routing.* When the anticipated routing under the F6 Type 6 or Type 6A permit includes specific highways not under the jurisdiction of the commissioner, then the county, municipality, or municipalities having jurisdiction over the specified highway must be notified by the applicant. The county, municipality, or municipalities will have at least 15 days to comment on the anticipated routing to the applicant.

(d) *Bridge restrictions.* If a permit holder operates a vehicle or combination of vehicles in violation of such routing restrictions, the Type 6, Type 6A or Type 7 permit shall be void as of the next day. All permits issued to the vehicle in question shall not be reissued for a period of 12 months.

(e) *Sanivan vehicles.* A sanivan vehicle for which a permit has been issued pursuant to this Subpart, is authorized to operate on public highways in accordance with weight and bridge limitations in such permit, and with posted temporary or permanent highway or bridge restrictions. Such specific highway or bridge limitations preempt the appropriate permit authorizations.

(f) *Agricultural vehicle.* A agricultural vehicle for which a permit has been issued pursuant to this Subpart, is authorized to operate on state highways in accordance with any weight limitations specified in such permit and in accordance with posted temporary or permanent highway or bridge restrictions. (*Note:* This permit is only available for F1, F2, and F3 permits.) Such specific highway or bridge limitation preempt the permit authorizations. This permit shall be valid for four continuous months from date of issuance.

Historical Note

Section filed December 31, 1985; amendment filed January 25, 1988; repealed, new filed February 8, 1994 effective February 23, 1994.

§154-2.6 Combination permits.

(*Note:* Each power unit of a combination of vehicles must have its own divisible load overweight permit.)

(a) *General.* A permit issued for a combination of vehicles may not be used for other trailers, or combinations.

(b) All trailers must be listed on the corresponding permit by VIN number, license plate number, or trailer Certificate of Title number.

(c) The permit categories (i.e., F1, F2, F3, and F4) cannot be interchanged, even though such interchanging would satisfy the permit conditions of this Part.

(d) F4 and/or F5 and/or F6 permittees may obtain an auxiliary F1 and/or F2 permit for statewide operation. An applicant for an F4 and/or F5 and/or F6 permit shall specify on the permit application that an auxiliary F1 and/or F2 permit is requested. There is an additional \$65 fee for the auxiliary permit.

(e) Each trailer must be listed on the permit. A trailer may be listed in the following manner:

- (1) a trailer listing may include an unlimited number of trailers with the payment of a \$20 fee for each trailer after the first trailer listed; or
- (2) a trailer listing may include an unlimited number of trailers per permit so long as each trailer has the same vehicle configuration as every other trailer listed. A \$10 fee will be charged for each trailer listed.

Historical Note

Section filed December 31, 1985; amendments filed: December 5, 1986; November 27, 1990; August 16, 1991; November 25, 1991; repealed, new filed February 8, 1994 effective February 23, 1994.

§154-2.7

Historical Note

Section filed December 31, 1985 as emergency measure; January 15, 1986, repealed, filed February 8, 1994 effective February 23, 1994.

§154-2.8 Safety-general.

The issuance of a divisible load overweight permit will be guided by considerations for the safety of the traveling public and the protection of the highways and the environment.

(a) *Accident reporting.* Whenever a vehicle or combinations of vehicles operating under a divisible load overweight permit is involved in an accident reportable under section 605 of the Vehicle and Traffic Law, a copy of the report (MV 104) filed with the Commissioner of Motor Vehicles shall be submitted to the Advisory Council within 10 days of such accident. Reports shall be mailed to the Advisory Council, Department of Transportation, Building 5, Room 311, 1220 Washington Avenue, Albany, New York 12232. Failure to timely report such accidents may result in revocation of the permit.

(b) *Liability insurance coverage.* Liability insurance coverage is required to protect the State of New York. An applicant may provide this insurance coverage by furnishing a public liability permit insurance certificate. This certificate must be written in accordance with the requirements of the New York State Department of Transportation. A self-insured municipality may furnish, in lieu of the insurance certificate, a self-insurance indemnification agreement in a form prescribed by the Department of Transportation.

(c) *Operation.* (1) Divisible load overweight vehicles operating on four-lane or divided highways should be driven in the right-most lane of traffic, except where the right lane must exit. In the event that extremely slow traffic is encountered in the right-most lane, permit vehicles may legally pass such traffic unless otherwise prohibited by regulatory sign. Vehicles operating on an incline and unable to maintain the posted speed limit should pull off the highway whenever possible to allow traffic to pass. Permit vehicles shall be driven, as nearly as practicable, entirely within a single lane and shall not move from that lane unless such movement can safely be made.

(2) The front or steering axle shall not carry more than 22,400 pounds.

(3) Permit vehicles registered to the same owner(s) shall not travel in the same direction of travel closer than 1,000 feet apart unless specified on the permit.

(4) Loads must be adequately secured to the permit vehicle to prevent shifting.

(5) Permit movements during periods of high winds, poor visibility, or when the highways are slippery due to snow, ice or rain should be restricted, based upon the necessity of the load reaching its destination promptly. During such periods, such vehicles may be halted by any police officer and ordered removed from the highway.

(6) All axles taken into consideration to establish weight limitations must support a reasonable proportion of the load when the vehicle is laden.

(7) The applicant may be required to demonstrate to the department that the number of axles on the vehicle does not unduly hinder steering capacity so as to make operation of the vehicle unsafe.

(8) The applicant/permittee may have to demonstrate that the steering capacity of the vehicle will not be unduly hindered if the vehicle maintains a bogey or air axle.

(9) Each vehicle must be loaded so that the center of gravity of the laden vehicle will not cause the unsafe operation of the vehicle.

(10) No permitted vehicle should be operated in excess of the manufactured-recommended gross weight rating (replacement vehicles only) or the weight rating(s) set forth in the permit application for that vehicle. No permitted vehicle shall operate in excess of the registered gross vehicle weight of the vehicle. Operation of permitted vehicles in excess of the above weights is considered to be per se unsafe.

Historical Note

Section filed December 31, 1985; amendments filed: December 5, 1986; November 27, 1990; August 16, 1991; November 25, 1991; repealed, new filed February 8, 1994 effective February 23, 1994.

§154-2.9 Permit application information.

(a) *Effective registration date.* The applicant must furnish a copy of the vehicle's registration to demonstrate where applicable that the vehicle was prior to January 1, 1986 (F3, F4, F5 and F6 permits). Once established, subsequent applications do not require reverification provided the most recent permit number for the vehicle is set forth in the application.

(b) The applicant must furnish to the Department of Transportation vehicle measurements consisting of:

- (1) trailer length measured in inches;
- (2) number of axles as defined in this Subpart;
- (3) manufacturer-recommended gross vehicle weight, as defined in this Subpart shall be the maximum recommended gross weight as determined by the manufacturer for vehicles manufactured on or after January 1, 1986;
- (4) wheelbase measurements (in inches) as defined in this Subpart;
- (5) tire size (the width at sidewalls in inches as designated on tire) and number of tires for each axle; and
- (6) axle rating(s).

Historical Note

Section filed December 31, 1985; amendments filed: December 5, 1986; November 27, 1990; repealed, new filed February 8, 1994 effective February 23, 1994.

§154-2.10 Permit application.

(a) Vehicles or combinations of vehicles which exceed the weight limitations in section 385 of the Vehicle and Traffic Law must obtain a permit issued by the department in order to operate on State highways under the jurisdiction of the department. A permit is not valid unless the vehicle or combination of vehicles is operated and maintained in accordance with the provisions of the Subpart and with any other requirements indicated on the permit.

(b) An application form for a permit under this Subpart may be obtained pursuant to section 154-1.20 of this Part. All applications must be on the forms prescribed by the Department of Transportation, and must be completed by the applicant or representative. The applicant must be the registered owner of the vehicle except for a leased vehicle.

(c) *Proof of registration.* Applicants must be able to document that vehicles and replaced vehicles were registered in New York as provided by this Subpart. The vehicle must be registered in New York prior to obtaining a permit and permittee must maintain such

registration for the duration of the permit. Vehicles registered under the international registration plan must either have a currently valid permit or shall have designated New York as its base state.

(d) Applicant must submit with its application a copy of the registration of each vehicle or replacement vehicle, and has the burden of establishing the validity of the New York registration.

(e) The power unit shall be identified by make, year of manufacture, vehicle identification number and license plate number.

(f) The manufacture-recommended gross weight rating and the registered gross vehicle weight shall be indicated.

(g) Axle weight(s) ratings, spacings, number of tires and tire sizes shall be indicated.

(h) The registered owner, or designated agent, must complete and submit the requisite number of copies, together with the application and certificate of insurance, the required permit fee, as well as any additional required supporting documentation such as letters of transfer, manufacturers specifications, proof of prior registration, active original permits (for transfers). Such information shall be mailed to the department, or submitted in person at the address listed on the application.

(i) If an application for a divisible load overweight vehicle permit is denied because it is incorrect, incomplete, or lacks required supporting documentation, a \$50 administrative handling fee shall be charged and the balance of the annual vehicle fee shall be credited to the permittee's account or returned upon request.

(j) No refund shall be made after an application has been filed and a permit granted.

(k) Permits issued on the basis of false or incorrect information shall be null and void for purposes of enforcement under section 385 of the Vehicle and Traffic Law and may be revoked or amended by the department.

(l) If the registered owner of the vehicle has changed after a permit has been issued, the new owner must obtain a permit.

(m) Permits may only be transferred to a replacement vehicle by the same registrant or transferred with the permitted vehicle as part of the sale or transfer of the permit holder's business.

Historical Note

Section filed December 31, 1985; amendments filed: December 5, 1986; January 25, 1988; November 27, 1990; August 16, 1991; November 25, 1991; repealed, new filed February 8, 1994 effective February 23, 1994.

§154-2.11 Permit fees.

The following fees shall be charged for divisible load overweight permits. Fees shall be paid upon application. Fees shall be paid by money order, certified check, bank check, check drawn on a New York State bank, or a negotiable instrument acceptable to the department, and made payable to the New York State Department of Transportation.

(a) *Per year vehicle fees.*

- (1) F1 permit:
 - (i) Type 1-\$360
 - (ii) Type 1A-\$750
- (2) F2 permit:
 - (i) Type 7-\$750
- (3) F3 permit:
 - (i) Type 8-\$360
- (4) F4 permit:
 - (i) Type 2-\$480
 - (ii) Type 2A-\$1,000
 - (iii) Type 3-\$480
- (5) F5 permit:
 - (i) Type 4-\$1,000
 - (ii) Type 5-\$1,000
- (6) F6 permit:
 - (i) Type 6-\$1,000
 - (ii) Type 6A-\$1,000

(b) *Annual vehicle fees for Agricultural vehicles.*

- (1) F1 permit:
 - (i) Type 1-\$180
 - (ii) Type 1A-\$375
- (2) F2 permit:
 - (i) Type 7-\$375
- (3) F3 permit:
 - (i) Type 8-\$180

(c) If a check is dishonored for insufficient funds, all permits issued in the name of that applicant shall be suspended, and no permit shall be issued until full satisfaction plus a penalty for \$20 is paid, a suspension notice will be issued 30 days after notification that the check has been dishonored is mailed to the applicant at the address on the application.

If satisfaction is made within 30 days of such notice, no suspension shall be issued, and no penalty fee charged.

(d) Permit fees shall not be charged to municipalities.

Historical Note

Section filed December 31, 1985 as emergency measure; January 15, 1986; amendments filed: January 25, 1988; November 27, 1990; January 2, 1991 as emergency measure, expired 90 days after filing; August 16, 1991; repealed, new filed February 8, 1994 effective February 23, 1994.

§154-2.12 Permit amendment.

A permit amendment upon application, may be made to accommodate changes, for example, changes in power unit information, trailer changes, vehicle data spacings and/or ratings, tire size, license plate, etc.

(a) A permittee may request a permit amendment for a substitute vehicle which complies with all requirements and weight limitations of that category of permit. If an amendment is made to add or delete trailers, those additional or new trailers must comply with the weight limitations and any requirements of that category of the permit.

(b) A \$50 fee will be charged for any amendment (unless otherwise indicated by this Subpart). For each new trailer to be listed, an additional \$10 or \$20 fee will be charged based on permit option. The department will provide an amendment application form. Changing categories for permits are not allowed by amendment.

Historical Note

Section filed December 31, 1985 amendments filed: December 5, 1986; November 27, 1990; August 16, 1991; repealed, new filed February 8, 1994 effective February 23, 1994.

§154-2.13 Renewal of permit and fees.

A permit issued under the provisions of this Subpart may be renewed on an annual basis prior to the expiration date of the permit, unless the permit was revoked, cancelled, or became null and void. The fees, terms, and conditions for the renewal shall be the same as the initial permit (see section 154-2.10 and 154-2.11 of this Subpart).

Historical Note

Section filed December 31, 1985 as emergency measure; January 15, 1986; repealed, new filed: November 27, 1990; January 2, 1991 as emergency measure, expired 90 days after filing; repealed, new filed February 8, 1994 effective February 23, 1994.

§154-2.14 Identification of permit.

- (a) The original permit must be carried in the vehicle to which it refers. Failure to carry such permit shall result in the permit being null and void for that particular operation or occurrence.
- (b) The permit must be immediately open to the inspection of any peace officer, acting pursuant to his special duties, or police officer, or any other officer or employee authorized to enforce this Section, upon request.

Historical Note

Section filed December 31, 1985 as emergency measure; January 15, 1986; amendment; filed: November 27, 1990; repealed, new filed February 8, 1994 effective February 23, 1994.

§154-2.15 Permit revocation.

All permits issued shall be revocable at the discretion of the department without a hearing or the necessity of showing cause. Revocation of permit may be imposed notwithstanding any determination by a court with respect to a permit related violation under section 385 of the Vehicle and Traffic Law.

- (a) *Notice of permit revocation.* Whenever it shall appear to the Department of Transportation that a permittee is not complying with the provisions of this Part, the permittee may be given written notice stating the nature of the violation. Upon notice, the permit shall be deemed revoked for the period of time determined by the department, not to exceed one year. The revoked permit must be surrendered immediately to the department.
- (b) *Restricted permits.* If a permit holder operates a vehicle or combination of vehicles under a restricted permit in violation of bridge or highway posting restrictions (i.e., traversing a bridge or a highway which cannot be legally traversed at the higher authorization weight) the permit issued to such vehicle or combination of vehicles shall be deemed void as of the next day and not subject to reissuance for a period of 12 months from the date of the violation. All permits for that power unit will be immediately voided for a period of 12 months from the date of the violation.
- (c) Notwithstanding subdivisions (a) and (b) of this section, the permittee may request a hearing, to contest the facts as set forth in the notice of revocation. If the permittee contests issues of fact, the department shall schedule a hearing.

Historical Note

Section filed December 31, 1985; amendments filed: December 5, 1986; August 16, 1991; repealed, new filed February 8, 1994 effective February 23, 1994.

§154-2.16 Replacement rights.

(a) *F1 and F2 permits.* Replacement rights attach to a self-powered vehicle, tractor, or power unit which is registered and currently permitted in New York. Upon the transfer of a vehicle to which a permit is or has been permitted within the last four years the permit eligibility rights of the vehicle must be clearly identified. Permit rights cannot be transferred to a new owner or company unless transferred with the vehicle and are part of the sale of the business.

(1) A certificate of grandfather rights may be obtained in connection with a divisible load overweight permit from the Department of Transportation for each tractor or power unit which is operational on public highways.

(2) The new owner of a business will not be eligible for a divisible load overweight permit for the purchased vehicle(s) unless a certificate of grandfather rights is submitted with the application.

(3) If a permit is revoked pursuant to this Part the certificate of grandfather rights issued pursuant to the revoked permit may be modified, or found null and void, and must be returned to the department immediately.

(b) *F3, F4, F5, and F6 category permits.* The replacement rights attach to a self-powered vehicle, tractor or power unit which was registered in New York at some time prior to January 1, 1986 and which was operational on public highways at some time during the three-year period prior to January 1, 1986. Upon the transfer of a vehicle to which a permit has been previously issued, the permit eligibility rights of the vehicle must be clearly identified. Permit rights cannot be transferred to a new owner or company unless they are being transferred with the vehicle and are part of the sale of the business.

(1) A certificate of grandfather rights may be obtained in connection with a divisible load overweight permit from the Department of Transportation for each tractor or power unit which was registered at some time prior to January 1, 1986 and which was operational on public highways at some time during the three-year period prior to January 1, 1986.

(2) The new owner of a business will not be eligible for a divisible load overweight permit for the purchased vehicle(s) if there is not a certificate of grandfather rights submitted with the permit application.

(3) If a permit is revoked pursuant to the provisions of this Part by the Commissioner of the Department of Transportation, the certificate of grandfather rights which was issued pursuant to the terms of the revoked permit may be modified or found null and void and must be returned to the department immediately by the permittee.

Historical Note

Section filed December 31, 1985; amendments filed: December 5, 1986; January 25, 1988; August 16, 1991; repealed, new filed February 8, 1994 effective February 23, 1994.

§154-2.17 Replacement vehicles.

A replacement vehicle may be eligible for a divisible load overweight vehicle permit, if the replacement vehicle complies with the following:

(a) *Statewide (F1 and F2) permits:*

(1) The replacement vehicle or combination must replace a vehicle(s) or combination whose power unit is currently permitted. For vehicles(s) or combination(s) which have been permitted within the last four years, but are not currently permitted, permits may be replaced when available.

(2) The manufacturer-recommended gross vehicle weight rating of the replacement vehicle or combination of vehicles must meet or exceed the weight for which a permit may be issued based on prior permit category if currently permitted.

(3) The manufacturer-recommended gross vehicle weight rating of the replacement vehicle or combination of vehicles must meet or exceed the weight for which a permit may be issued based on permit category: if currently permitted and applying at renewal time, or for vehicle(s) or combination of vehicles which have been permitted within the last four years, but are not currently permitted.

(4) The maximum load a replacement vehicle or combination of vehicles may carry shall not exceed the maximum load which is certified by the manufacturer or the registered weight of the vehicle or combination of vehicles (replacement or replaced), whichever is lower.

(5) The number of replacement vehicles may not exceed the total number of vehicles replaced.

(b) *Statewide (F3):*

(1) The replacement vehicle(s) must replace a vehicle whose power unit is currently permitted. For vehicles which have been permitted within the last four years, but are not currently permitted, they may be replaced when permits become available.

(2) The manufacturer-recommended gross vehicle weight rating of the replacement vehicle does not exceed the weight for which a permit may be issued to the replaced vehicle.

(3) The manufacturer-recommended gross vehicle weight rating of the replacement vehicle must meet or exceed the weight for which a permit is to be issued.

(4) The maximum load a replacement vehicle may carry shall not exceed the maximum load which is certified by the manufacturer or the registered weight of the vehicle (replacement or replaced), whichever is lower.

(5) The number of replacement vehicles may not exceed the total number of vehicles replaced.

(c) *Lower seven county (F4, F5, and F6):*

(1) The replacement vehicle or combination of vehicles must replace a vehicle(s) or combination of vehicles whose power unit was registered in the state of New York at some time prior to January 1, 1986, and which was operational on public highways at some time during the immediate three-year prior to January 1, 1986.

(2) The manufacturer-recommended gross vehicle weight rating of the replacement vehicles or combination of vehicles does not exceed the weight for which a permit may be issued to the replaced vehicle or combination of vehicles.

(3) The manufacturer-recommended gross vehicle weight rating of the replacement vehicles or combination of vehicles must meet or exceed the weight for which a permit is to be issued.

(4) The maximum load a replacement vehicle or combination of vehicles may carry shall not exceed the maximum load which is certified by the manufacturer or the registered weight of the vehicle or combination of vehicles (replacement or replaced), whichever is lower.

(5) The number of replacement vehicles may exceed the total number of vehicles replaced, provided the applicant has banked weight capacity consistent with the provisions of subparagraph (f) of subdivision 15 of section 385 of the Vehicle and Traffic Law which is equal to or exceeds the weights to be utilized in connection with the divisible load overweight permit.

(6) There must be excess or banked weight capacity to justify the replacement vehicle in question.

Historical Note

Section filed December 31, 1985; amendments filed: December 5, 1986; November 27, 1990; repealed, new filed February 8, 1994 effective February 23, 1994.

§154-2.18 Excess or banked weight capacity (F4, F5, and F6 only).

(a) The banked capacity for a registered owner must have been established with the department prior to January 1, 1988. The banked weight capacity for a vehicle(s) is the weight for which the vehicle was permitted at the time banked weight capacity was established. The banked weight capacity will be maintained in an account for each

registered owner. The banked capacity shall be established by a single vehicle or the power unit of a combination of vehicles and not by the trailers.

(b) Excess weight capacity arises from one or more of the four following situations:

(1) a replacement vehicle having a gross vehicle weight less than the banked weight capacity of the replaced vehicle; or

(2) by the statutory reduction in maximum weights or phasing out of a permit type under the F4, or F5 permit over the phase-down period; or

(3) the difference in weight between two or more permit types when the higher weight permit(s) is surrendered. If this is done the grandfather weight will be reduced to the new permit level; or

(4) the voluntary surrender of a permit to be credited to a company's excess banked weight. Once this permit weight is surrendered, this vehicle can no longer obtain a permit under the same account.

(c) The excess weight capacity can only be used to justify the acquisition of additional vehicle(s) as replacement vehicles.

(d) The gross weight capacity of the replacement vehicle or combination of vehicles shall not exceed the gross weight capacity of the replaced vehicle or combination of vehicles. Therefore, unused banked weight capacity (excess weight capacity) cannot justify a replacement vehicle which has a gross weight capacity greater than the replaced vehicle.

(e) If a permit is revoked pursuant to this Part, the excess or banked weight capacity of the permitted vehicle shall be adjusted to reflect the weight loadings which should be carried by the permitted vehicle.

Historical Note

Section filed December 31, 1985; amendments filed: December 5, 1986; November 27, repealed, new filed February 8, 1994 effective February 23, 1994.

§154-2.19 Leasing.

(a) The lessee of a leased vehicle, who has an exclusive leasing arrangement that exceeds 30 days, will be presumed to be the registered owner, unless shown otherwise.

(b) The lessor will have grandfather rights for banked weight capacity for F3, F4, F5 or F6 permits to the power units only. Leased trailers do not have grandfather rights.

(c) A leasing entity must have had its vehicles registered in New York prior to January 1, 1986 for F3, F4, F5 or F6 category permits, or currently registered New York for F1 and F2 category permits in order to obtain a divisible load overweight permit for such vehicles. The vehicle must be registered in New York at the time of permit application and for the

duration of that permit. To obtain grandfather rights for banked weight capacity for F3, F4, F5 or F6 category permits, the leasing entity must have obtained divisible load overweight permit(s) on power units during the first three months of 1986.

(d) *Immediate emergency leasing.* An immediate emergency leasing occurs when leasing is required either to complete a delivery(s) or to remove a vehicle from the highway for safety purposes. The permit will be automatically amended.

(1) The burden is on the owner/lessee to establish that an immediate emergency leasing situation exists.

(2) The immediate emergency leasing will only be valid for two days.

(3) Permit violations are borne by the lessee/owner.

(4) The lease must be carried in the leased vehicle and be open to inspection upon request.

(e) *Short-term leasing.* Short-term leasing covers circumstances in which the power unit, trailer, or single vehicle has been rendered inoperable for a short-term, requiring the owner to lease a replacement vehicle. A short-term leasing permit may be obtained if there is no other available vehicle in the registered owner's possession. This leasing situation will apply only if the lessee requires short-term leasing to meet contractual obligations.

(1) Short-term leasing shall not exceed 30 days.

(2) Short-term leasing of a power unit. The lessee must apply for an amendment to the leasing entity's permit. The leased power unit must have had a divisible load overweight permit in the name of the leasing entity. The permit amendment will identify the lessee as the operator. A copy of the lease must be submitted with the application. The lease or copy must be carried in the power unit and be opened to inspection upon request.

(i) The fee for this amendment application is \$100.

(ii) If the leasing entity fails to acquire a permit in compliance with this section, the lessee must operate the vehicle or combination of vehicles at nonpermit legal weights.

(iii) The lessee must obtain an annual vehicle permit for a power unit leased more than 30 days (see subdivision (g) of this section).

(3) Short-term leasing of trailers. The lessee must apply for an amended permit for a trailer. The lessee must have previously obtained an annual vehicle permit for the power unit to be operated with the leased trailer. If the permit is not amended the leased vehicle must have, at least, the weight and vehicle dimensions as that combination of vehicles covered under the original permit, and the combination will be limited to the weight limitations under the original permit. If the lessee has not previously obtained an

annual vehicle permit for the power unit which will be operated with the leased trailer, and/or the leased trailer weight and/or dimensions does not qualify for a previously obtained vehicle permit then the lessee must either obtain an annual vehicle permit or amend its permit, as the case may be; otherwise, the lessee is limited to nonpermit legal weights under section 385(6)-(10) of the Vehicle and Traffic Law.

(4) *Combination leasing.* The lessee must apply for an amendment of the leasing entity's permit on the power unit for a combination of vehicles.

(f) *Anticipated leasing.* Anticipated leasing occurs when the lessee intends to lease either a tractor (power unit) or a trailer for a period in excess of 30 days.

(1) The lessee/registered owner shall be liable for permit violations.

(2) When a leasing arrangement for the tractor (power unit) is for a period greater than or equal to six months, the grandfather rights for banked weight capacity (F3, F4, F5 or F6 category permits only) for that power unit remain in the lessor, unless otherwise contracted. The lessee may not transfer these grandfather rights at the expiration of the leasehold.

(3) If the grandfather rights for banked weight capacity were transferred, the lessee/registered owner must demonstrate:

- (i) that the registration was made in the name of the lessee/registered owner;
- (ii) that the leasing arrangement was for six months or greater;
- (iii) that the vehicle or combination of vehicles met the grandfather provisions of this Part; and
- (vi) the certificate of grandfather rights, if one exists, for the vehicle or combination of vehicles.

(4) The grandfather rights for each of the lessor's vehicles can only be utilized once.

(5) Permit application under this section shall be subject to the same terms and conditions as permit application is section 154-2.10 of this Subpart.

Historical Note

Section filed December 31, 1985 as emergency measure; January 15, 1986; repealed, new filed February 8, 1994 effective February 23, 1994.

§154-2.20 New York City permit authority.

(a) The New York City Department of Transportation may issue permits for the operation of vehicles or combination of vehicles which exceed the weight limitations provided for in the New York City Department of Transportation rules and regulations. This authority encompasses highways on the State highway system in New York City.

(b) The New York City Department of Transportation rules and regulations may include different weight limitations, and schedule of fees charged for the issuance of permits, as well as any other requirements deemed necessary by the city commissioner of transportation.

Historical Note

Section filed December 31, 1985 as emergency measure; January 15, 1986; repealed, new filed February 8, 1994 effective February 23, 1994.

§154-2.21 State Motor Carrier Advisory Council.

The State Motor Carrier Advisory Council established by Chapter 656 of the Laws of 1993 is housed within the department. Correspondence shall be addressed to the Advisory Counsel, Department of Transportation, Building 5, Room 311, Averill W. Harriman State Office Building Campus, Albany, New York 12232.

Historical Note

Section filed December 31, 1985 as emergency measure; January 15, 1986; repealed, new filed February 8, 1994 effective February 23, 1994.

§154-2.22

Historical Note

Section filed November 27, 1990; repealed, new filed February 8, 1994 effective February 23, 1994.